

(10) supports the devolution process in order to enable constitutional reform to be fully implemented;

(11) encourages the Government of Kenya to respect and protect the freedom of civil society organizations and activists which have historically led the process of political reform in Kenya;

(12) expresses hope that newly elected members of government will herald a new generation of responsible leadership in Kenya; and

(13) reaffirms that the people of the United States will continue to stand with the people of Kenya in support of democracy, partnership, and peace.

Mr. WYDEN. Mr. President, I further ask that the committee-reported amendment to the resolution be agreed to; the resolution, as amended, be agreed to; the committee-reported amendment to the preamble be agreed to; the preamble, as amended, be agreed to; the committee-reported title amendment be agreed to; and the motions to reconsider be made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee-reported amendment to the resolution was agreed to.

The resolution (S. Res. 90), as amended, was agreed to.

The committee-reported amendment to the preamble was agreed to.

The preamble, as amended, was agreed to.

The resolution, as amended, with its preamble, as amended, reads as follows:

#### S. RES. 90

Whereas the Governments of the United States and Kenya have long shared a strong bilateral partnership, and Kenya plays a critically important role as a cornerstone of stability in East Africa and as a valued ally of the United States;

Whereas Kenya's disputed 2007 presidential election threatened the country's stability and its democratic trajectory, triggering an explosion of violence that resulted in the deaths of some 1,140 civilians and displaced nearly 600,000, some of whom have still not returned home;

Whereas a mediation effort by former United Nations Secretary-General Kofi Annan and an African Union Panel of Eminent African Personalities, supported by the United States, led to the signing of the National Accord on February 28, 2008, which led to a series of constitutional, electoral, and institutional reforms to address underlying causes of the crisis;

Whereas as part of that reform process, the citizens of Kenya participated in a national referendum in August 2010, approving a new constitution that mandated significant institutional and structural changes to the government;

Whereas those constitutional changes have led to important reforms in the judicial sector and the electoral system in Kenya that aim to build greater public confidence in government institutions, and which demonstrate meaningful progress;

Whereas Kenya's Independent Commission of Inquiry into the Post-Election Violence (the "Waki Commission") concluded from its investigation in 2008 that there had been "no serious effort by any government" to punish perpetrators of previous incidents of ethnic and political violence, leading to a culture of impunity that contributed to the crisis that followed the 2007 elections, and, since then, despite laudable judicial reforms, few per-

petrators or organizers of that violence have been held accountable for their crimes in Kenyan courts;

Whereas based on the findings of the Waki Commission, mediator Kofi Annan submitted a list of key suspects to the Office of the Prosecutor of the International Criminal Court (ICC) in 2009, and several have been subsequently charged at the ICC with crimes against humanity;

Whereas the Department of State's 2011 Human Rights Report on Kenya notes, "Widespread impunity at all levels of government continued to be a serious problem. The government took only limited action against security forces suspected of unlawful killings, and impunity in cases of corruption was common. Although the government took action in some cases to prosecute officials who committed abuses, impunity . . . was pervasive";

Whereas President Barack Obama's Strategy on Sub-Saharan Africa, released in June 2012, states that the United States will not stand by while actors ". . . manipulate the fairness and integrity of democratic processes, and we will stand in steady partnership with those who are committed to the principles of equality, justice and the rule of law";

Whereas, in a February 2013 message to the people of Kenya, President Obama highlighted the power Kenyan communities have to reject intimidation and violence surrounding the upcoming election, resolve disputes in the courts as opposed to the streets, and "move forward towards prosperity and opportunity that unleashes the extraordinary talents of your people";

Whereas five years after Kenya's post-election crisis, the country held its first general elections under the new constitution on March 4, 2013, which were largely peaceful;

Whereas Kenya's presidential candidates and their political parties committed themselves to a peaceful electoral process, and to resolving any resulting disputes through the judicial process;

Whereas the Kenyan Supreme Court ruled on March 30, 2013, that Uhuru Kenyatta was validly elected, and his opponents pledged to respect and honor the decision of the Court;

Whereas the White House issued a statement on March 30, 2013, stating, "The electoral process and the peaceful adjudication of disputes in the Kenyan legal system are testaments to the progress Kenya has made in strengthening its democratic institutions, and the desire of the Kenyan people to move their country forward. Now is the time for Kenyans to come together to fully implement the political, institutional, and accountability reforms envisioned in the Kenyan constitution. . . . We welcome and wish to underscore the importance of Kenya's commitment to uphold its international obligations, including those with respect to international justice."; and

Whereas in his inauguration speech on April 9, 2013, President Kenyatta said, "I will lead all Kenyans – those who voted for me – and those who voted for our competitors – towards a national prosperity that is firmly rooted in a rich and abiding peace in which unity can ultimately be realized. . . . Indeed, national unity will only be possible if we deal decisively with some of the issues that continue to hinder our progress. Achieving peace and strengthening unity will be the goal of my Government. This work begins now. We welcome all Kenyans to hold us to account."; Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates the people of Kenya on their commitment to peaceful elections, as demonstrated on March 4, 2013;

(2) calls on Kenyans to come together to fully implement political, institutional, and

accountability reforms envisioned in the Kenyan constitution;

(3) calls on the people of Kenya to continue their efforts to end intimidation, impunity, and violence;

(4) notes that many of the underlying grievances that have underpinned ethnic divisions and fueled the 2007–2008 violence remain largely unaddressed;

(5) affirms that accountability for the 2007–2008 post-election violence is a critical element to ensure Kenya's democracy, peace, and long-term stability;

(6) calls on the Government of Kenya to respect commitments to seek justice for the victims of political violence, including by honoring its obligations under the Rome Statute to cooperate fully with the International Criminal Court with regard to the three cases that remain before the Court slated to go to trial in 2013;

(7) calls on the Government of Kenya to ensure the International Criminal Court witnesses are fully protected and not subject to interference but afforded the protections they deserve to ensure justice is served;

(8) recognizes that, while the Government of Kenya has made important progress since the 2007 election, aspects of the Kenyan reform agenda specified in the National Accord and 2010 constitution remain unfinished, particularly with regard to police reform, devolution, land reform, and security;

(9) encourages the people and Government of Kenya to support ongoing implementation of constitutional reforms, rule of law, the establishment of county level government and efforts to strengthen governance, security, and judicial institutions that respect the dignity and rights of all the people of Kenya and ensure protection for judges;

(10) supports the devolution process in order to enable constitutional reform to be fully implemented;

(11) encourages the Government of Kenya to respect and protect the freedom of civil society organizations and activists which have historically led the process of political reform in Kenya;

(12) expresses hope that newly elected members of government will herald a new generation of responsible leadership in Kenya; and

(13) reaffirms that the people of the United States will continue to stand with the people of Kenya in support of democracy, partnership, and peace.

Attest:

The committee-reported title amendment was agreed to, as follows:

Amend the title so as to read: "A resolution congratulating the people of Kenya on their commitment to peaceful elections, as demonstrated on March 4, 2013, and calling on Kenyans to come together to continue to implement political, institutional, and accountability reforms envisioned in the Kenyan constitution.".

#### DISCHARGE AND REFERRAL—S. 437

Mr. WYDEN. Mr. President, I ask unanimous consent that the HELP Committee be discharged from further consideration of S. 437, and the bill be referred to the Committee on Banking.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY—TREATY DOCUMENT NO. 113-1, TREATY DOCUMENT NO. 113-2, AND TREATY DOCUMENT NO. 113-3

Mr. WYDEN. Mr. President, as in executive session, I ask unanimous consent that the Injunction of Secrecy be removed from the following treaties transmitted to the Senate on April 22, 2013, by the President of the United States:

Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean, Treaty Document No. 113-1; Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, Treaty Document No. 113-2; and amendment to the Convention of Future Multilateral Cooperation in the Northwest Atlantic Fisheries, Treaty Document No. 113-3.

I further ask that the treaties be considered as having been read the first time, they be referred with the accompanying papers to the Committee on Foreign Relations and ordered to be printed, and that the President's messages be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The messages of the President are as follows:

*To the Senate of the United States:*

I transmit herewith the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (the "Convention"), done at Auckland, New Zealand, November 14, 2009, with a view to receiving the advice and consent of the Senate to ratification. I also transmit, for the information of the Senate, the report of the Secretary of State on the Convention that includes an article-by-article analysis.

The Convention establishes a regional fisheries management organization through which Parties will give effect to their duty to cooperate in the conservation and sustainable use of the high seas fishery resources in the South Pacific Ocean and to safeguard the marine ecosystems in which these resources occur.

The Convention requires Parties to apply specific conservation and management principles and approaches in giving effect to the objective of the Convention. These principles and approaches are enshrined in existing international instruments to which the United States is a party, such as the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of December 10, 1982, relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks of December 4, 1995. In addition, the Convention requires that Parties design and adopt specific conservation and management measures, such as limitations on catch or effort, time or area closures, and gear restrictions.

The Department of State, Department of Commerce, U.S. Coast Guard, and relevant U.S. stakeholders strongly support the Convention. The legislation necessary to implement the Convention will be submitted separately to the Congress for its consideration. I therefore recommend that the Senate give early and favorable consideration to this Convention and give its advice and consent to ratification.

BARACK OBAMA.

THE WHITE HOUSE, April 22, 2013.

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Convention on the Conservation and Management of High Seas Fisheries Resources in the North Pacific Ocean, done at Tokyo on February 24, 2012, and signed by the United States on May 2, 2012 (the "Convention"). I also transmit, for the information of the Senate, the report of the Secretary of State on the Convention that includes an article-by-article analysis.

The Convention establishes a regional fisheries management organization through which Parties will cooperate to ensure the long-term conservation and sustainable use of the fisheries resources in the high seas of the North Pacific Ocean while protecting the marine ecosystems in which these resources occur.

The Convention will require implementing legislation, which is being drafted and will be submitted separately to the Congress for its consideration.

Cooperation under the Convention will address fisheries resources not covered under preexisting international fisheries management instruments and will help to prevent destructive fishing practices on the high seas that may have impacts on fisheries resources in areas subject to U.S. jurisdiction. Ratification by the United States would also ensure that future U.S. fisheries interests in the region subject to the Convention will be factored into allocation decisions. I therefore recommend that the Senate give favorable consideration to the Convention and give its advice and consent to ratification at the earliest possible date.

BARACK OBAMA.

THE WHITE HOUSE, April 22, 2013.

*To the Senate of the United States:*

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Amendment to the Convention on Future Multilateral Cooperation in the Northwest Atlantic Fisheries (the "Convention"), adopted on September 28, 2007, at the twenty-ninth Annual Meeting of the North Atlantic Fisheries Organization (NAFO). I also transmit, for the information of the Senate, the report of the Secretary of State on the Amendment, which includes an article-by-article analysis.

The Amendment serves to bring the Convention in line with modern inter-

national fisheries governance, including revisions to its decisionmaking and objection rules and a new comprehensive dispute settlement procedure. The Amendment also reflects changes to the budget contribution scheme that are expected to significantly reduce U.S. annual payments to NAFO. Involved Federal agencies and stakeholders strongly support the proposed changes to the Convention. The strengthened Convention will improve the way NAFO manages the fish stocks under its purview and enforces compliance with the measures it adopts, which in turn will improve the chances that key stocks in the Northwest Atlantic will recover enough to support resumed fishing.

The recommended changes to the Northwest Atlantic Fisheries Convention Act of 1995 necessary to implement the Amendment will be submitted separately to the Congress. I therefore recommend that the Senate give favorable consideration to the Amendment to the Convention and give its advice and consent to ratification at the earliest possible date.

BARACK OBAMA.

THE WHITE HOUSE, April 22, 2013.

#### ORDERS FOR TUESDAY, APRIL 23, 2013

Mr. WYDEN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m. on Tuesday, April 23, 2013; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; that following any leader remarks, the Senate be in a period of morning business for 1 hour, with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees, with the majority controlling the first half and the Republicans controlling the final half; further, that following morning business, the Senate resume consideration of the motion to proceed to Calendar No. 41, S. 743, the Marketplace Fairness Act postcloture; finally, that the Senate recess from 12:30 p.m. until 2:15 p.m. to allow for the weekly caucus meetings.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. WYDEN. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:09 p.m., adjourned until Tuesday, April 23, 2013, at 10 a.m.